

RESOLUTION NO. 1998-06

A RESOLUTION TO APPOINT THE TOWN ATTORNEY, TO DEFINE THE SERVICES TO BE PROVIDED, TO ESTABLISH THE RATE OF PAY, AND TO ESTABLISH A UNIFORM POLICY CONCERNING THE EMPLOYMENT OF THE TOWN ATTORNEY.

WHEREAS, the Town Board of Trustees of the Town of Silverton, State of Colorado, a body politic and corporate, is authorized by Section 31-4-304 C.R.S. to appoint a Town Attorney;

WHEREAS, the Town Board is the governing body of the Town of Silverton and is authorized by Section 31-4-304 C.R.S. to prescribe the compensation and fees to be paid for the services of the Town Attorney;

WHEREAS, the Town Board appoints the Town Attorney for the primary purpose of acting as the legal advisor to the Board;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO:

1. The Town Board fully recognizes the need for expert legal counsel in the course and conduct of public affairs. To this end the Board appoints Dirk W. Nelson, Attorney-at-Law, as the Town Attorney as prescribed by the provisions of Town Code. The Town Attorney is not an employee of the Town of Silverton, and the employment of the Town Attorney hereunder is considered to be a contract service.
2. The Town Attorney shall perform the following duties:
 - a. He shall act as legal advisor to, and be attorney and counsel for, the Mayor and Board of Trustees. The Town Attorney shall be responsible solely to the Board. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the Board and shall file with the Town Administrator a copy of all written opinions given by his office.
 - b. He shall appear in behalf of the Town to prosecute ordinance violations and conduct all cases in municipal court. He shall also appear in all suits and proceedings in any court wherein the Town is a party thereto, and he shall file with the respective court(s) copies of all such records and files relating thereto.
 - c. He shall prepare or review all ordinances, contracts, bonds, and other written instruments which are submitted to him by the Board, and he shall promptly give his opinion as to the legal consequences thereof.

- d. He shall call to the attention of the Board all matters of law, including changes or developments therein, affecting the Town.
 - e. The Town Attorney shall attend all regular meetings and special meetings of the Town Board for which his attendance is required by the Board or the Mayor, excepting that he shall not be required to attend meetings where he has a pre-existing scheduling conflict and he cannot reasonably adjust his schedule in order to attend said regular or special meeting. If he is unable to attend a meeting, he shall make arrangements to provide timely legal services to the Board either by the ability to communicate during the meeting or by scheduling a future meeting as soon as possible after the meeting that is not attended. In general, the Town Attorney is expected to attend the first Board meeting (2nd Monday) of each month on a regular basis, unless notified by the Mayor or Town Administrator that his attendance is not required.
 - f. He is authorized to make and execute for and in the name of the Town of Silverton any affidavit or bond that may be necessary in any suit or proceedings wherein the Town is a party.
 - g. He shall perform other duties assigned by the Board or as necessary for the proper conduct of the legal affairs of the Town.
3. The Town Board approves a contract retainer of six hundred fifty and no/100s dollars (\$650.00) per month to cover up to ten (10) hours of legal services per month. The Town Attorney shall also be entitled to payment of thirty-five and no/100s dollars (\$35.00) per trip related to his attendance at meetings in Silverton; payment of thirty-four and no/100s dollars (\$34.00) per hour for travel time associated with travel to meetings located outside Silverton, plus actual invoiced travel expenses at cost; and reimbursement of all reasonable and necessary expenses, at cost, incidental to the provision of legal services to the Town. For attendance at Town Board meetings and other meetings held in Silverton, the Town Attorney shall account the actual time he is present at the meeting plus one (1) hour for travel time to attend such meetings. The Town Attorney shall not be entitled to any payment for legal services beyond the contract retainer unless and until the service hours charged shall exceed ten (10) hours in any one calendar month; such excess hours shall be paid at the rate of one hundred and no/100s dollars (\$100.00) per hour, excepting applicable travel time which is paid as specified above. Travel expenses, excepting the one (1) hour travel time allowance for Silverton meetings, are payable without limitation by the contract retainer.
4. The Town Board hereby declares that the Town Attorney is employed primarily as the legal advisor of the Board, and as such the Town Attorney shall not be allowed to recover any costs for services rendered to Town Officials or persons other than the Board of

Trustees unless such other officials or persons are first authorized by the Town Board to employ or consult the Town Attorney.

- a.. The Town Board hereby authorizes the Mayor and the individual members of the Board of Trustees to employ and consult with the Town Attorney concerning legal affairs of the Town.
- b.. The Town Board hereby authorizes the Town Administrator, the Town Clerk-Treasurer, the Public Works Director, and the San Juan County Sheriff to employ and consult with the Town Attorney concerning legal affairs of the Town.
- c. The Town Board hereby authorizes the Town Administrator, the Town Clerk-Treasurer, the Mayor, and/or any individual member of the Board of Trustees to authorize any employee of the Town to employ and consult with the Town Attorney concerning the legal affairs of the Town.

ADOPTED AND MADE EFFECTIVE this 11th day of May, 1998.

ATTEST: Claudia J Moe
Claudia J. Moe
Town Clerk-Treasurer

Terrence M Kerwin
Terrence M. Kerwin
Mayor